REMARKS

In the present Office Action, it was indicated that the application does not contain an abstract of the disclosure. Also in the Office Action, claims 6-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for including a broad range or limitation together with a narrow range or limitation that falls within the broad limitation. Claims 6-9 were also rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/04954 to Wilhelm et al. having a U.S. counterpart patent 6,624,169 (Wilhelm).

Applicant with this Reply has added an abstract which is provided as a new sheet at the end of this Reply. In addition, claims 6 and 9 have been amended to delete reference to 3-guanidinophenylalanine derivatives. Further, to overcome the rejection under 35 U.S.C. 112, second paragraph, applicant has amended claim 6 to remove the narrow limitation of a TIPPS halide. This narrowing limitation of a TIPPS halide has been added in new claim 10. Consequently, claim 7 was amended to depend from new claim 10.

According to the Office Action, Wilhelm anticipates the present claims. Applicant respectfully submits that the invention as defined in the present claims is both novel and non-obvious over the prior art for several reasons.

The process defined by the present claims differs from Wilhelm, for example, in the sequence of the reaction steps. The present claims recite first reacting N-protected 3-cyanophenylalanine with a piperazine derivative and then with an optionally substituted phenylsulfonyl halide whereas Wilhelm discloses a procedure, wherein cyanophenylalanine methyl ester is first reacted with N-methylmorpholine which is not a piperazine derivative and then triisopropylbenzene sulfonyl chloride is added to the product of that reaction. (See Example 1.1). Further, in the process disclosed in Wilhelm the piperazine derivative, ethoxycarbonyl piperazine, is added only at a later stage (see Example 1.3) whereas the present claims recite that

the reaction with the optionally substituted phenylsulfonyl halide occurs at a final reaction step. Accordingly, Wilhelm cannot anticipate the present claims.

Moreover, the present invention is novel and inventive over the prior art at least because it produces superior and unexpected results. Wilhem discloses that the desired reaction product and accompanying by-products, in particular, hydrolyzed TIPPS-OH, can be separated only by time and cost intensive chromatographic processes. In particular, Example 1.3 requires purification through use of silica gel column. The present invention as defined by the claim does not require the time and cost intensive purification of the process disclosed by Wilhelm because it avoids the formation of the by-product TIPPS-OH, which is very difficult to separate. The product produced according to the present invention is obtained at high yields and in highly purified form by simple crystallization from solution as disclosed at least on page 9, lines 10-25. There is no teaching, suggestion, or motivation in Wilhelm to avoid cost and time intensive purification. More importantly, there is no teaching or suggestion of the process recited in the present claims. Accordingly, the present invention is novel and non-obvious over the prior art.

For at least the foregoing reasons, applicant respectfully submits that the claims are now in a condition for allowance. Additionally, applicant respectfully requests a notice of allowance of the present application. Early and favorable action is hereby solicited and appreciated.

The one month extension of time fee of sixty dollars ($60.00) is being paid electronically via Deposit Account 50/1039. It is believed that no other fees are due with this reply. However, if a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Respectfully submitted,

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